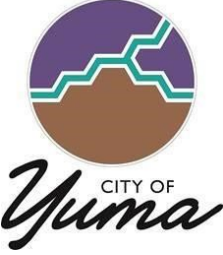


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on April 12, 2021, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

	<p style="text-align: center;">Agenda Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, April 12, 2021, 4:30 p.m.</p>
---	--

COVID 19 ADVISORY

DUE TO COVID-19 THE CITY HALL COUNCIL CHAMBERS WILL HAVE LIMITED PUBLIC ACCESS.

Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meeting of the City of Yuma Planning and Zoning Commission will be conducted remotely through technological means along with limited public, in-person access, consistent with CDC social distancing guidelines.

Due to the very limited capacity available for in-person public access to the Planning and Zoning Commission Meeting, citizens wishing to make public comment regarding any item listed on the agenda are strongly encouraged to provide their comments in written format to email address planning@yumaaz.gov no later than 4:00 p.m. on March 22, 2021. Comments received timely will be entered into the permanent record of the referenced agenda item to be considered by the Planning and Zoning Commission.

**ADHERENCE TO CDC SOCIAL DISTANCING GUIDELINES ARE REQUIRED IN ALL PUBLIC BUILDINGS.
THE USE OF FACE COVERINGS ARE REQUIRED IN PUBLIC BUILDINGS WHEN CDC SOCIAL
DISTANCING GUIDELINES CANNOT BE ACHIEVED.**

A. CALL TO ORDER

B. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

March 22, 2021

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS-

C.1 **CUP-33078-2020**: This is a request by Wallace Hunter, on behalf of Fury Lane, LLC, for a Conditional Use Permit to allow a drive-through restaurant, in the General Commercial (B-2) District. The property is located at 2820 S. 4th Avenue, Yuma, Arizona.

C.2 **CUP-33375-2021**: This is a request by Kurtis Demarse, on behalf of McDonald's Real Estate Company to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1195 E. 16th Street, Yuma, AZ.

C.3 **SUBD-33735-2021:** This is a request by Dahl, Robins & Associates, Inc., on behalf of Yucca Land Company, LLC, for the approval of the preliminary plat for the Desert Sands Subdivision Unit 3, proposed to be divided into 122 lots, ranging in size from approximately 5,078 square feet to 13,338 square feet. The property is located at the southwest corner of E. 45th Street and the S. Avenue 8E, Yuma, AZ.

D. PUBLIC HEARINGS – NONE

E. INFORMATION ITEMS

E.1 STAFF – General Plan Discussion - Transportation, Public Services and Growth Areas

E.2 COMMISSION

E.3 Public – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**Planning and Zoning Commission Meeting Minutes
March 22, 2021**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday March 22, 2021, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel and Commissioners Lorraine Arney, Gregory Counts, Barbara Beam and Joshua Scott. Vice-Chairman Fred Dammeyer was absent. There is one vacancy.

STAFF MEMBERS present included Scott McCoy, Assistant City Attorney; Randall Crist, Interim DCD Director; Alyssa Linville, Assistant Director DCD; Andrew McGarvie, Engineering Manager; Augustin Cruz, Senior Civil Engineer; Jennifer Albers, Principal Planner; Robert Blevins, Principal Planner; Chad Brown, Associate Planner and Alex Marquez, Administrative Assistant.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – March 8, 2021

WITHDRAWALS BY APPLICANT – None

CONTINUANCES –

SUBD-33593-2021: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Saguaro Desert Land Company, LLC, for approval of the preliminary plat for the Desert Sky Unit No. 2 Subdivision. This subdivision will contain approximately 18.3 acres, and is proposed to be divided into 102 residential lots, ranging in size from 2,941 square feet to 9,983 square feet. The property is located near the southwest corner of Avenue 7½E and 36th Street, Yuma, AZ.*

APPROVALS – None

Motion by Counts, second by Arney, to APPROVE the Consent Calendar as presented. Motion carried unanimously, (5-0) with one absent and one vacancy.

Action Items –

SUBD-33034-2020: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Perricone Arizona Properties, LLC, for the approval of the final plat for the Terra Bella Unit 2 subdivision. This subdivision will contain approximately 6.92 acres and is proposed to be divided into 25 lots, ranging in size from approximately 9,120 square feet to 12,328 square feet. The property is located at the southwest corner of Avenue 5 ½ E and the 36th Street alignment, Yuma, AZ 85364.*

Chad Brown, Associate Planner, summarized the staff report and recommended **APPROVAL**.

Andrew McGarvie, Engineering Manager, spoke about the the Traffic Study Report and how at the time it had been conducted took into consideration all future development in the study area. Until recently, construction had stalled so there actually was less construction than the study anticipated.

QUESTIONS FOR STAFF

Hamel expressed concern about the turning lanes going into the Subdivision.

McGarvie deferred to the applicant's Design Engineer

APPLICANT / APPLICANT'S REPRESENTATIVE

Kevin Dahl, 1560 S. 5th Avenue, Yuma AZ, 85364 said the street was striped with a turning lane, but it did not need to be. **Hamel** recommended removing the turning lane if the City wasn't already planning to do so.

PUBLIC COMMENT

Patrick Van Dyn Hoven, 5614 E. 38th Place Yuma AZ, 85365, was concerned about the Traffic Study and entrances into the subdivision.

Miguel Lopez, 5600 E. 38th Place Yuma AZ, 85365, was also concerned about the Traffic Study and entrances into the subdivision.

Albert Wharton, 5629 E. 38th Place Yuma, AZ 85365, was concerned about the Traffic Study and the canal being covered and turned into 36th Street. **Wharton** also asked for an anticipated date in which the construction of the road was expected to be done.

Dahl stated that the Traffic study was conducted in 2005 and that it was still valid, adding that the developer had met all the requirements of the Subdivision code.

Hamel commented that he would have liked to have seen an entrance coming off of 5½ E in the design of the Subdivision.

Scott noted that he also would have liked to have seen an entrance on 5½ E. Scott continued by saying that even though the Traffic Study was done in 2005 it was still valid.

Brown noted that an update to Engineering Conditions had been made, where Engineering combined two conditions into one. The new condition is what was presented on the "Yellow Sheet" given to each Commissioner at the start of the meeting.

Motion by Scott, Second by Beam, to APPROVE SUBD-33034-2020 subject to the Conditions of Approval in Attachment A, with the modification to Conditions 6 and 7, combining them to now read "The Owner/developer shall record a covenant on the remaining undeveloped property north of this proposed subdivision stating that no building permits will be issued until the east half of Avenue 5 ½ E is dedicated and built to current City of Yuma Construction Standard No. 2-020 and until all infrastructure adjoining Terra Bella Unit No. 2 Subdivision is accepted by the City of Yuma". Motion carried (4-1) with one absent and one vacancy.

INFORMATION ITEMS

Staff

Jennifer Albers, Principal Planner, presented a summary of the General Plan Elements for Land Use, Housing and Redevelopment

Commission

None

Public

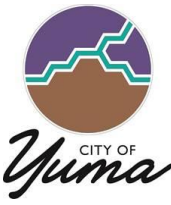
None

ADJOURNMENT

Hamel adjourned the meeting at 5:13 p.m.

Minutes approved this _____ day of _____, 2021

Chairman



STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: AMELIA GRIFFIN

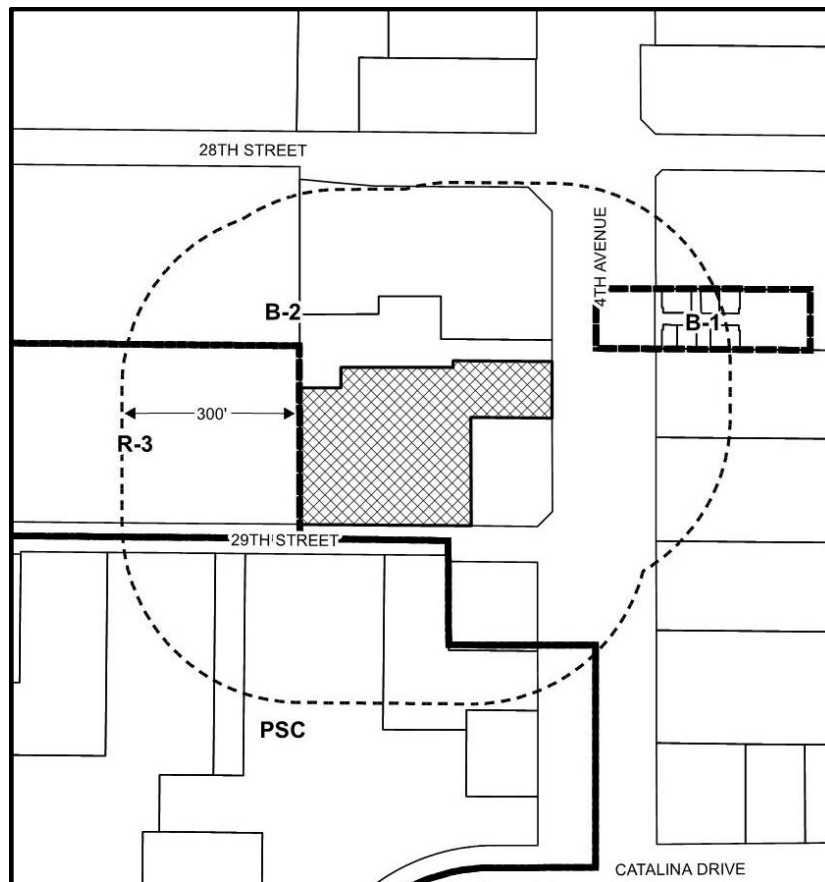
Hearing Date: April 12, 2021

Case Number: CUP-33078-2020

Project Description/Location: This is a request by Wallace Hunter, on behalf of Fury Lane, LLC, for a Conditional Use Permit to allow a drive-through restaurant, in the General Commercial (B-2) District. The property is located at 2820 S. 4th Avenue, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Vacant	Commercial
North	General Commercial (B-2)	Retail/Medical Office	Commercial
South	General Commercial (B-2)	Retail	Commercial
East	General Commercial (B-2)	Multi-Tenant Building	Commercial
West	High Density Residential (R-3)	Church	Medium Density Residential

Location Map:



Prior site actions: Annexation: Ord. 672 (July 21, 1956); Subdivision: Hastens 2 Lot Tie/Lot Split LS2004-002 (February 14, 2005); Conditional Use Permit: CU2004-013 (October 11, 2004); Pre-Development Meeting: PDM-31368-2020 (July 30, 2020); PDM-32960-2020 (December 1, 2020)

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a drive-through restaurant in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-33078-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Wallace Hunter on behalf of Fury Lane, for a drive-through restaurant for the property located at 2820 S. 4th Avenue, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located near the northwest corner of 4th Avenue and 29th Street and currently features an approximately 28,000 square foot building. The applicant is proposing a 3,600 square foot restaurant in a portion of the building that will utilize the existing drive-through. The remaining portion of the building will be subdivided for potential retail space.

The existing drive-through was initially approved through a Conditional Use Permit Application in 2004 (CU2004-013) however, the Conditional Use Permit has expired and therefore the drive-through restaurant requires a new Conditional Use Permit. Additionally, the applicant is proposing a modification to the existing drive-through. The service window will be relocated approximately 20' to the east.

The property was split into four separate parcels in 2004 (LS2004-002) and a parking agreement was recorded. Based upon the current uses on the properties as a restaurant, retail, and a medical office, the parking requirement is as follows: one space for each 50 square feet of gross floor area where the public is served, one space for each 400 square feet of gross floor area, and one space for each 150 square feet of gross floor area respectively. According to the parking calculation, a total of 190 parking spaces are required. There is a total of 220 parking spaces on-site.

In addition to the required parking for the uses on site, a drive-through restaurant must provide seven spaces for each service window. This stacking capacity has been provided as indicated on the site plan (Attachment B).

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes. The site plan conforms to the requirements outlined within the City of Yuma Zoning Code.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
4 th Avenue – Minor Arterial	50 FT H/W ROW	75 FT H/W ROW				X
29 th Street – Local Street	29 FT H/W ROW	30 FT H/W ROW				
Bicycle Facilities Master Plan	N/A					
YCAT Transit System	Green Route 4/4A					
Issues:	None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per Section 154-08.04(E)(1), which requires a Conditional Use Permit for drive-through facilities for any restaurant.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use will not be detrimental to the health and safety, or general welfare of person residing or working in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The site was previously developed and operated with two drive thru facilities on the north and south side of the properties. This was demonstrated as adequate by the previous and proposed use.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The existing building(s) and parking facility setbacks adequately provide a transition from, and protection to, existing and contemplated residential development.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development; the applicant has indicated that the proposed modifications to the site will not alter the size of the buildings.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site will provide the necessary means to meet requirements regarding noise level reductions and site lighting for security purposes.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed use of the site includes proper screening and landscaping consistent with the Crime Prevention Through Environmental Design (CPTED) principles for visual surveillance.

Public Comments Received:

Name:	Justin Haile				Contact Information: (928) 246-4979						
Method of Contact:	Phone	X	FAX		Email		Letter		Other		
Questions about the proposed use.											

Agency Comments: None Received.

Discussions with Applicant/Agent: February 3, 2021 and March 24, 2021


Proposed conditions delivered to applicant on: March 24, 2021

Final staff report delivered to applicant on: March 29, 2021

- ☒ Applicant agreed with all of the conditions of approval on: March 24, 2021
☐ Applicant did not agree with the following conditions of approval: (list #'s)
☐ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	Site Plan	Floor Plan	Site Photos	Agency Notifications	Aerial Photo

Prepared By: 
Amelia Griffin
Associate Planner

Date: 3/31/21

Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

Approved By: 
Alyssa Linville,
Assistant Director Community Development

Date: 04/01/2021

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Community Development Comments: Alyssa Linville, Assistant Director,
Community Development, (928) 373-5000, x 3037:**

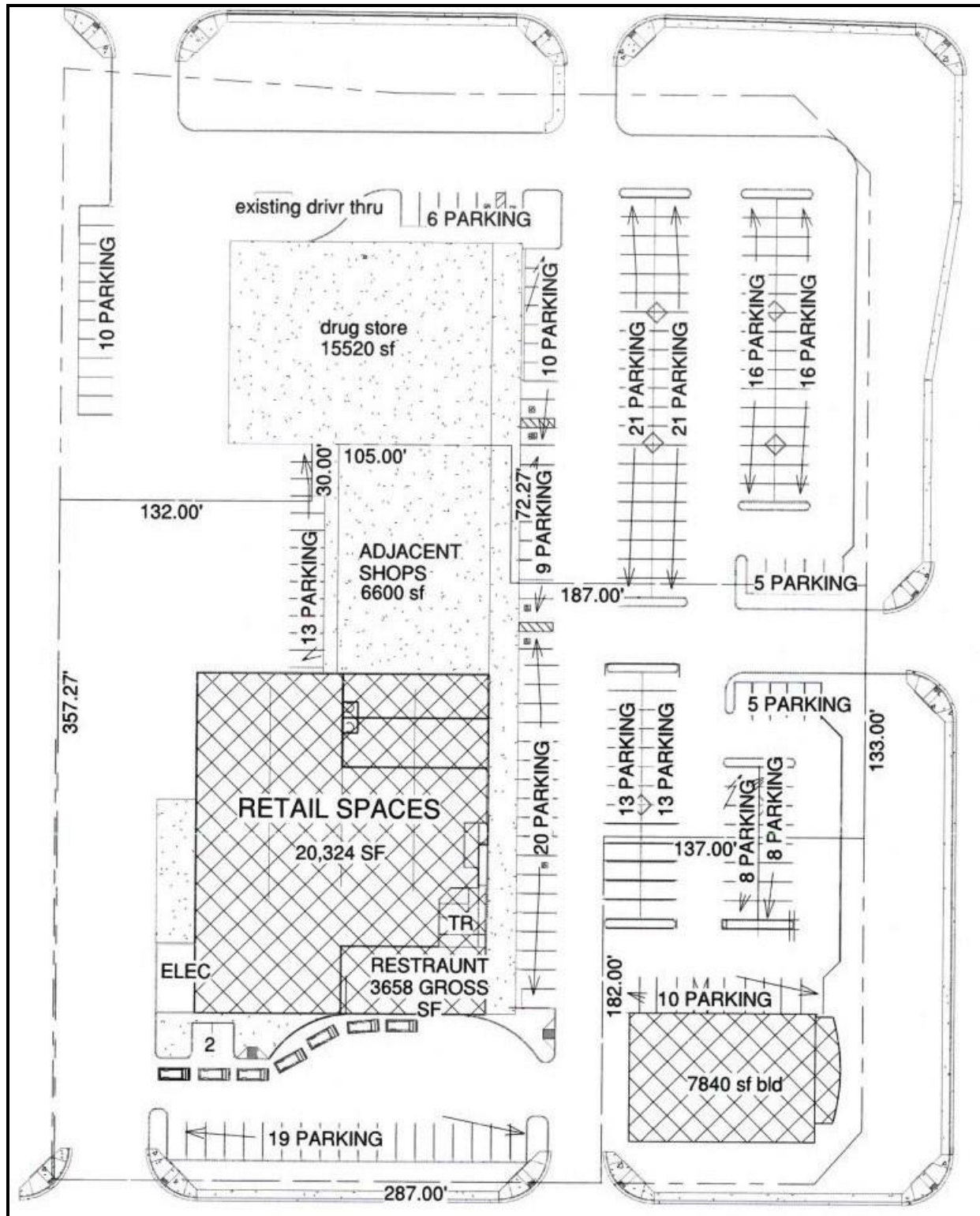
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning: Amelia Griffin, Associate Planner, (928) 373-5000 x 3034

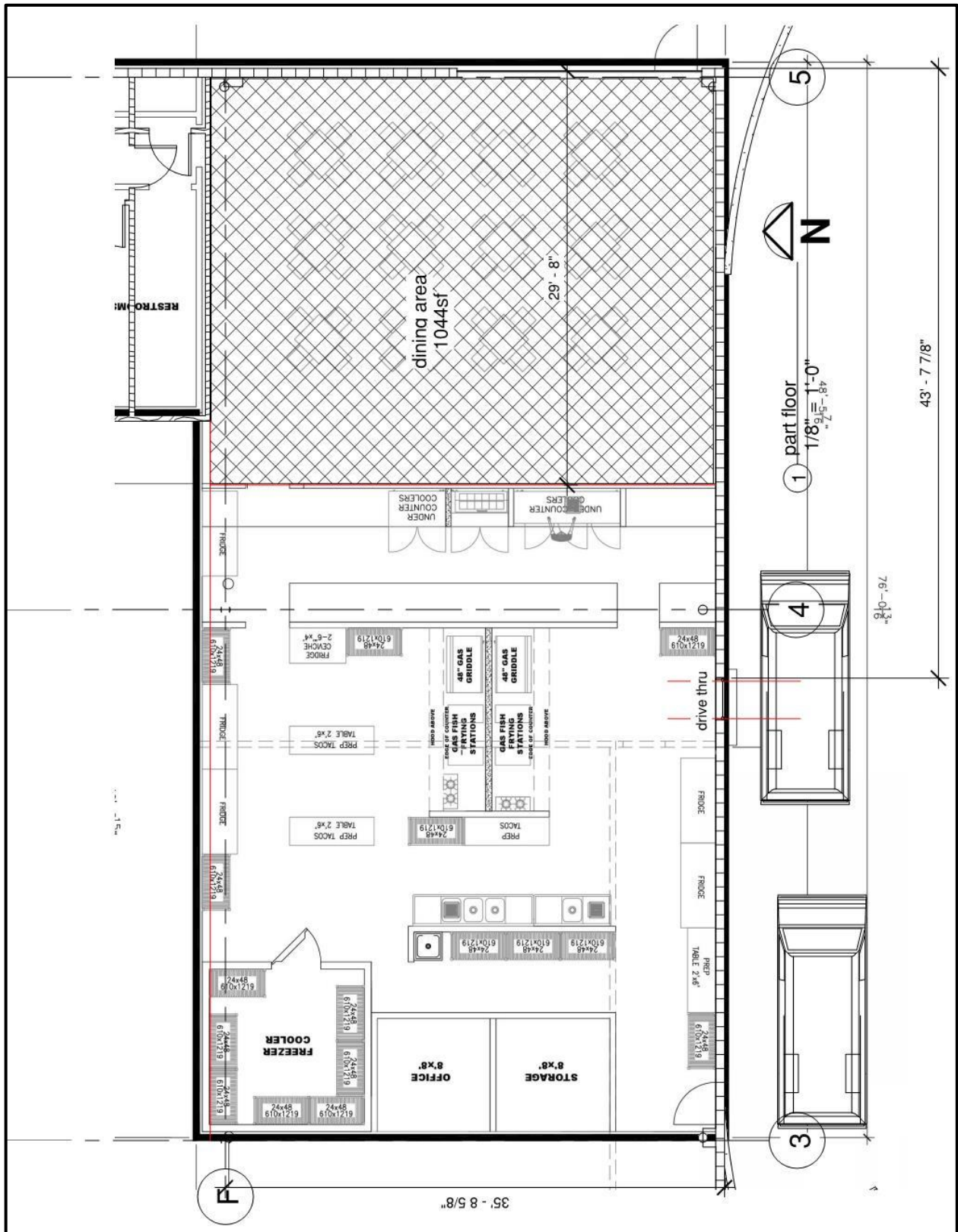
4. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
5. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
6. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
7. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B **SITE PLAN**



ATTACHMENT C FLOOR PLAN



ATTACHMENT D
SITE PHOTOS



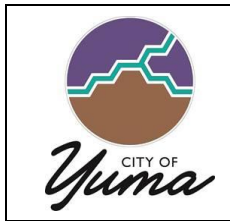
ATTACHMENT E AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (03/19/21)
- 300' Vicinity Mailing: (02/22/21)
- 34 Commenting/Reviewing Agencies noticed: (02/25/21)
- Site Posted on: (04/05/21)
- Neighborhood Meeting: (N/A)
- Hearing Date: (04/12/21)
- Comments due: (03/08/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	2/25/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	2/24/21	X		
Yuma County Planning & Zoning	YES	2/25/21	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	2/24/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	2/25/21	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	2/24/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	2/25/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	2/24/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT F
AERIAL PHOTO





STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: RICHARD MUNGUIA

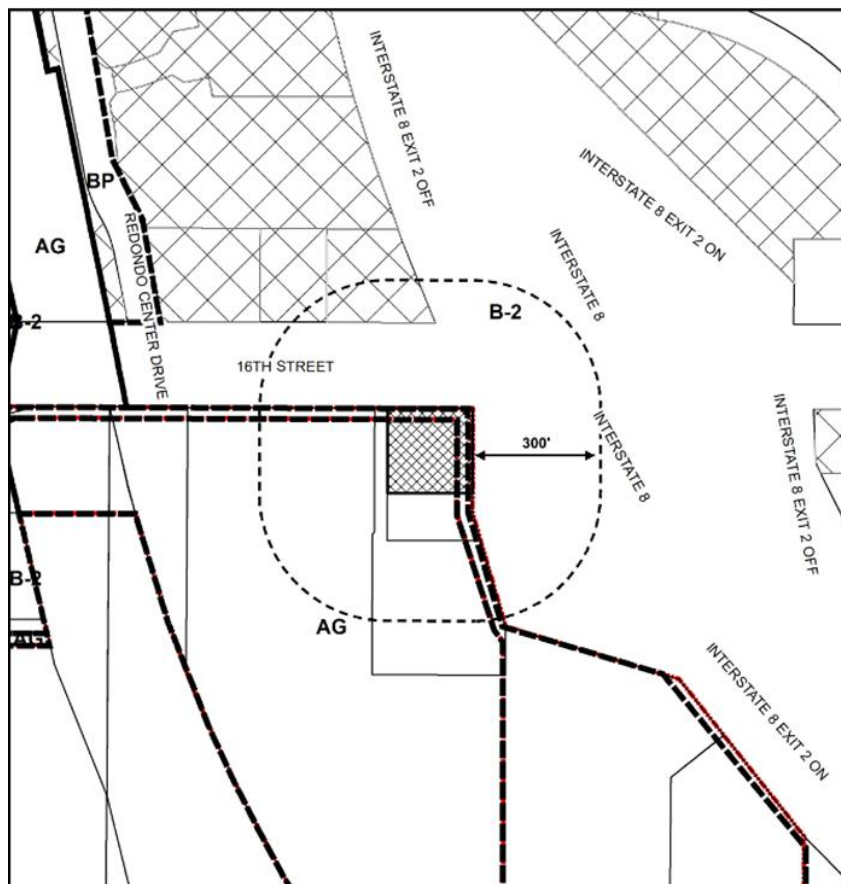
Hearing Date: April 12, 2021

Case Number: CUP-33375-2021

Project Description/Location: This is a request by Kurtis Demarse, on behalf of McDonald's Real Estate Company, to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1195 E. 16th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Aesthetic Overlay (B-2/AO)	McDonald's Restaurant	Commercial
North	General Commercial/Aesthetic Overlay (B-2/AO)	Applebee's Grill and Bar	Commercial
South	Agriculture (AG)	Undeveloped	Commercial
East	General Commercial (B-2)	Interstate 8	Commercial
West	Agriculture (AG)	Undeveloped	Commercial

Location Map:



Prior site actions: Pre-Annexation Agreement: AGR-23129-2018 (In process); Annexation: Ord. O95-85 (December 15, 1995); Rezone: ZONE-23131-2018 (November 21, 2018); Pre-Development Agreement: PDM-22712-2018 (July 2, 2018); Design and Historic Review: DHRC-23482-2018 (October 10, 2018), Conditional Use Permit: CUP-23794-2018 (December 10, 2018), TIMEX-27556-2019 (October 10, 2019).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-33375-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Kurtis Demarse to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District for the property located at 1195 E. 16th Street, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: McDonald's is proposing a complete remodel of an existing restaurant. This remodel will meet the company's new design standards and is being rolled out nationwide for many older restaurants. One site modification being contemplated is the addition of a secondary drive-through lane. This proposed modification will significantly deviate from the existing legal, non-conforming site, and will require a Conditional Use Permit.

Many drive-through restaurants have begun the conversion to a double lane as the addition of the secondary ordering lane would substantially increase the capacity for vehicular traffic. In order to accommodate the additional drive-through lane, several parking spaces will need to be removed; the remaining spaces will meet the minimum number of spaces required per the code.

Based upon the use of the property as a restaurant, the parking requirements is as follows: one space for each 50 square feet of gross floor area where the public is served. According to the provided floor plan, the 1,470 square foot area where the public is served, would require a total of 29 parking spaces. The site plan indicates a total of 44 parking stalls on-site. In addition to the required parking for a restaurant, a drive-through facility servicing fast food must provide seven spaces of stacking for each service window. In terms of stacking, the site plan indicates capacity for 10 vehicles.

This request was previously approved on December 10, 2018 and then a time extension was applied for in 2019. The applicant has stated that groundbreaking would not commence until after the time extension had expired. Per city code, after a time extension expires, a new Conditional Use Permit must be applied for. There are no major changes from the initial and time extension approvals.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
16 th Street – 6 lane principal arterial	62' H/W ROW	100' H/W ROW	X	N/A	N/A	X
Bicycle Facilities Master Plan	None					
YCAT Transit System	Green Route – 16 th Street at Redondo Center Drive					
Issues:	None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per Section §154-08.04(E)(1), which requires a Conditional Use Permit for a drive-through facility within the General Commercial (B-2) District.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed modification to the existing site should not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The ingress and egress for the site will not be modified, however, the addition of directional signage will improve the overall traffic on-site.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The site has no residential development nearby.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development; the property owner has stated that the proposed modifications to the site will not alter the size of the building.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site has provided the necessary means to meet requirements regarding noise level reductions and site lighting for security purposes.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed uses for the site include proper screening and landscaping consistent with the Crime Prevention Through Environmental Design (CPTED) principles for visual surveillance.

Public Comments Received:

None Received

Agency Comments:

None Received

Neighborhood Meeting Comments:

No Meeting Required

Discussions with Applicant/Agent:

March 15, 2021

Proposed conditions delivered to applicant on:

March 15, 2021

Final staff report delivered to applicant on:

March 29, 2021

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: March 16, 2021
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E
Conditions of Approval	Site Plan	Photos	Agency Notifications	Aerial Photo

Prepared By:
Richard Munguia
Senior Planner

Date: March 17, 2021

Richard.Munguia@YumaAZ (928) 373-5000, x3070

Approved By:
Alyssa Linville,
Assistant Director Community Development

Date: 03/17/2021

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

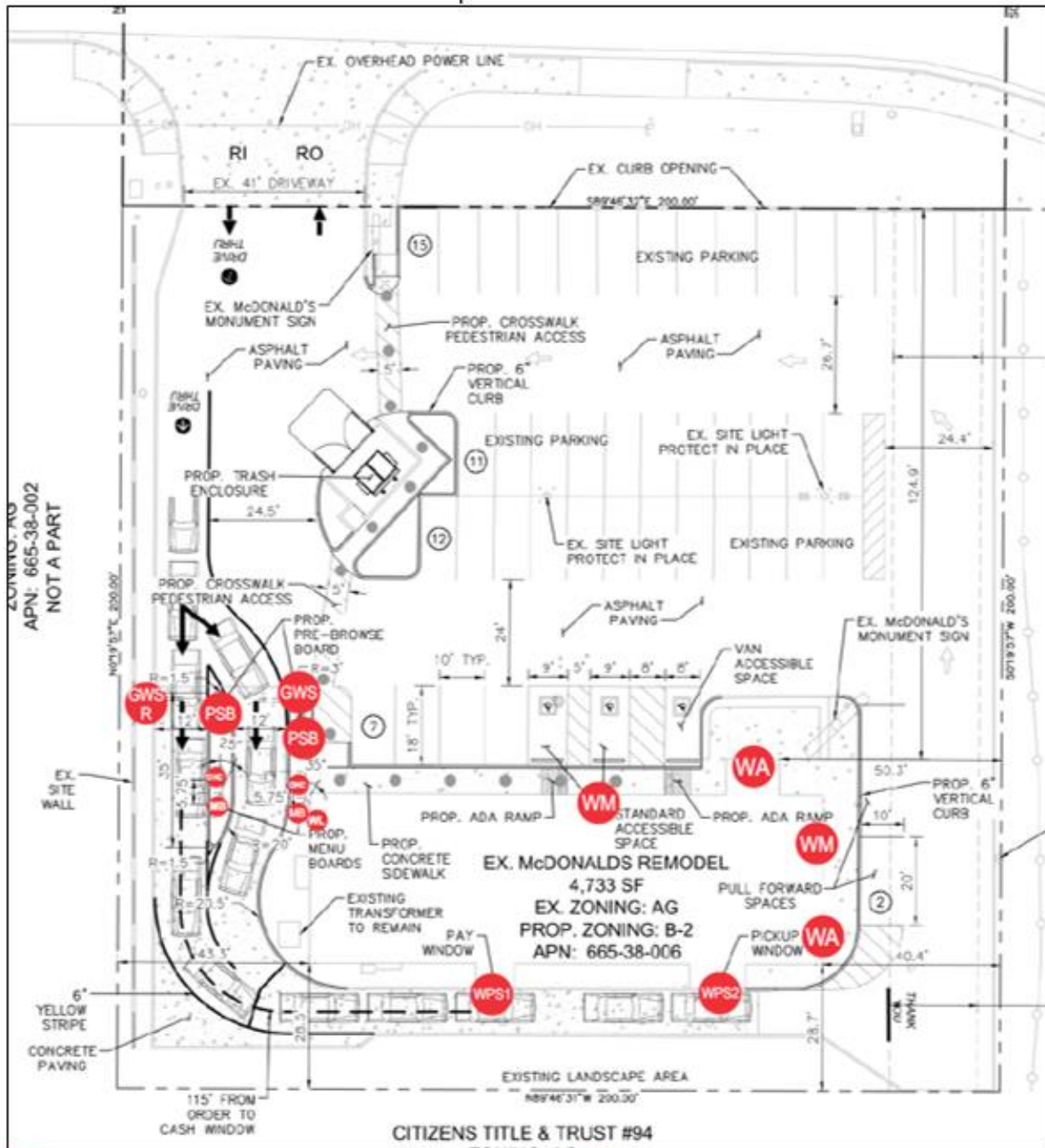
Community Planning: Richard Munguia, Senior Planner, (928) 373-5000, x3070

3. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
4. The conditions listed above shall be completed within two (2) years of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
5. In any case where a Conditional Use Permit has not been used within two years after the granting thereof, it shall be null and void.
6. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B

SITE PLAN



PSB PRE-SELL BOARD

WP51 WINDOW POSITION SIGN 1

GWS ---- SINGLE ARM GATEWAY

WP82 WINDOW POSITION SIGN 2

GWS RSINGLE ARM GATEWAY (REVERSE)

WA WALL ARCH (QTY 2)

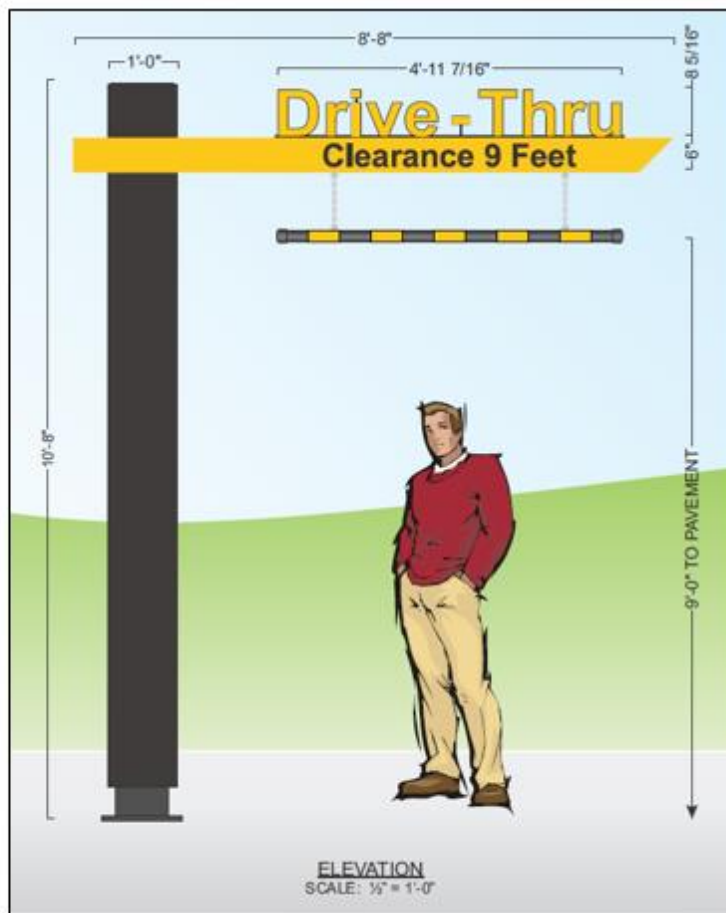
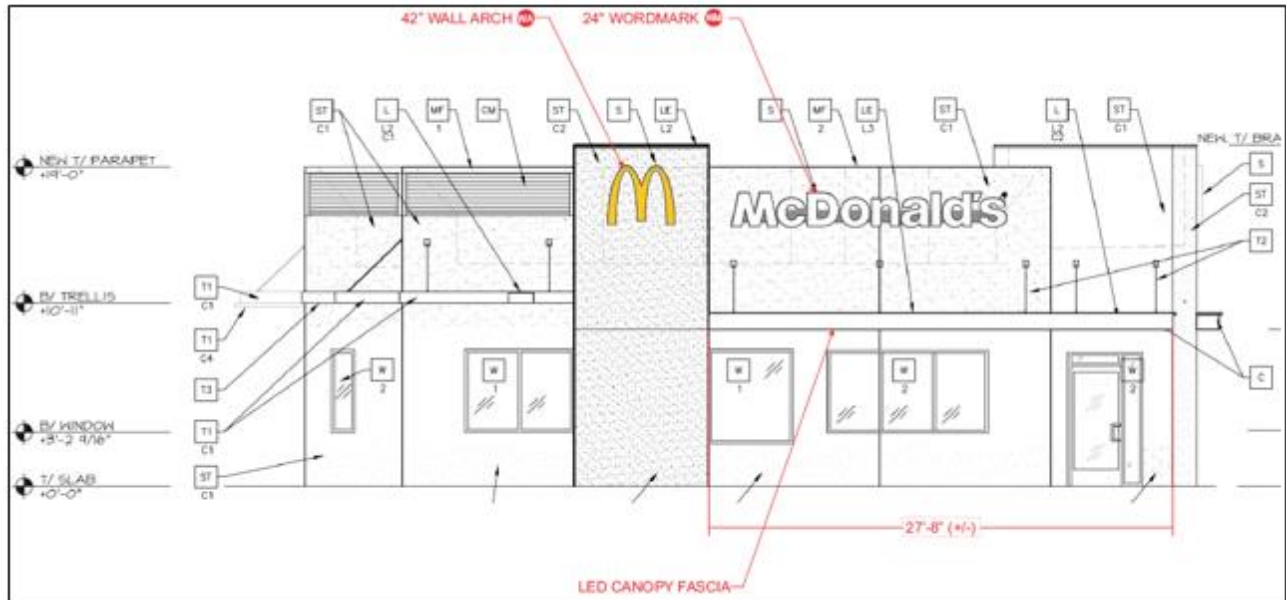
OHC ORDER HERE CANOPY (QTY 2)

WM 24" WORDMARK (QTY 2)

MB MENU BOARD (QTY 2)

WL WELCOME LETTERS

ATTACHMENT C PHOTOS

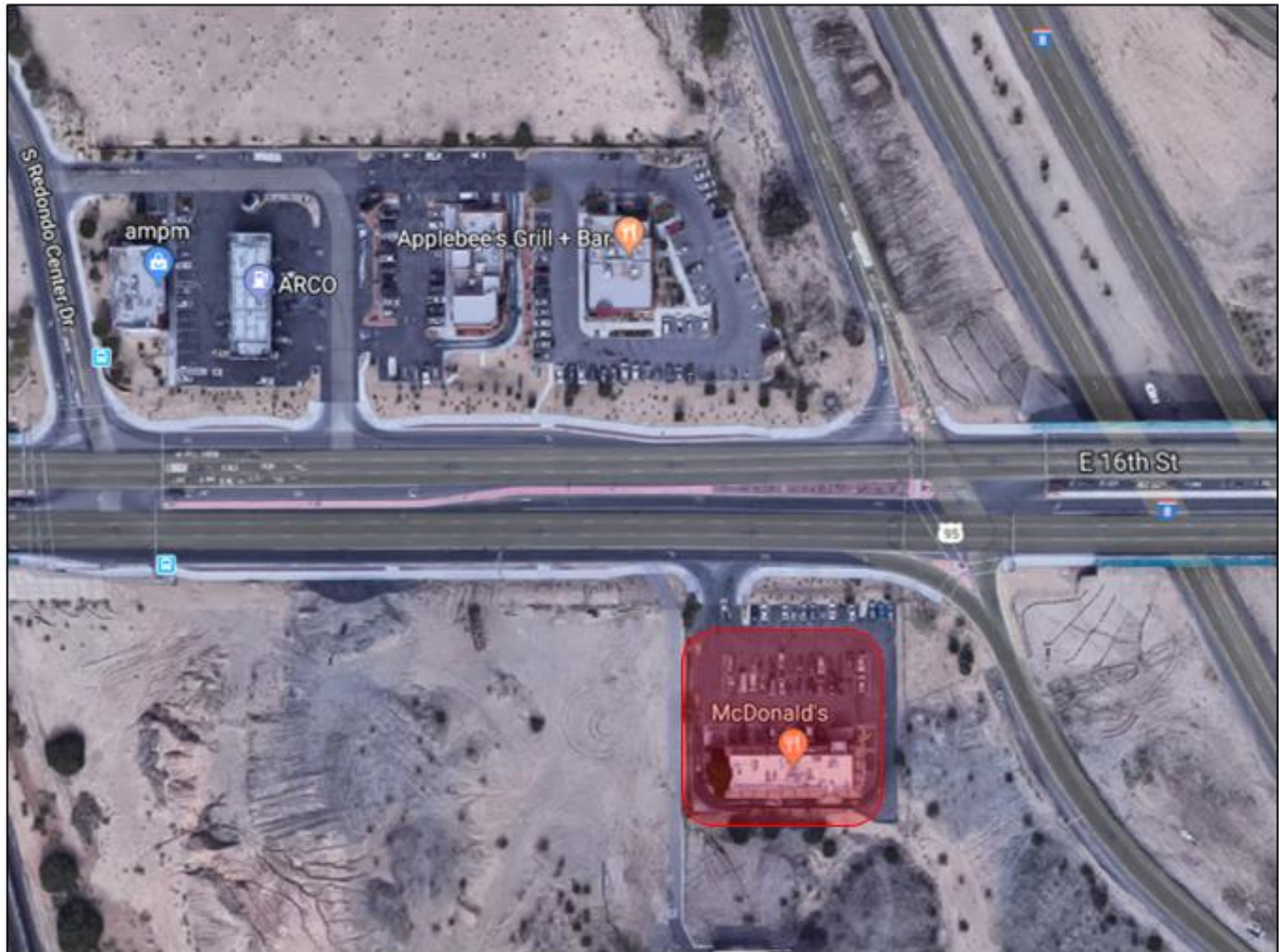


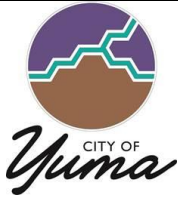
ATTACHMENT D AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 03/19/2021
- 300' Vicinity Mailing: 02/22/2021
- 34 Commenting/Reviewing Agencies noticed: 02/25/2021
- Site Posted on: 04/05/2021
- Neighborhood Meeting: N/A
- Hearing Date: 04/12/2021
- Comments due: 03/08/2021

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	X	02/25/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	X	02/24/2021	X		
Yuma County Planning & Zoning	X	02/25/2021	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	X	02/24/2021	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	X	02/25/2021			
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	X	02/24/2021	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	X	02/25/2021	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	02/24/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AERIAL PHOTO





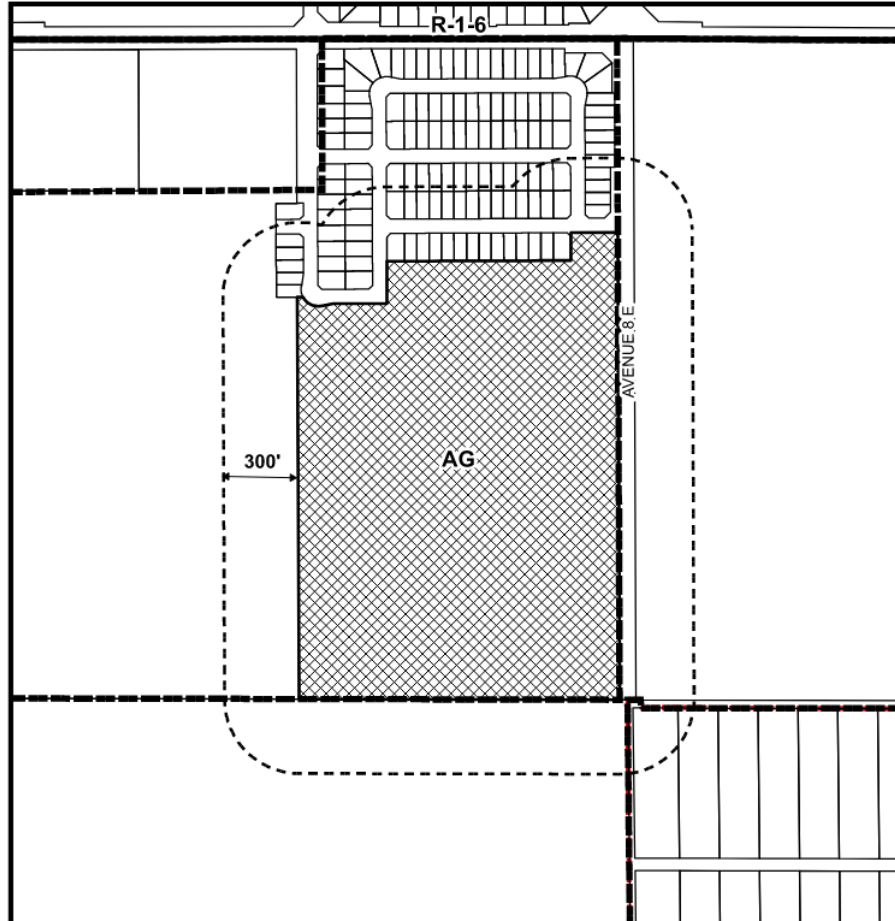
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: RICHARD MUNGUIA

Hearing Date: April 12, 2021 **Case Number:** SUBD-33735-2021

Project Description/Location: This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yucca Land Company, LLC, for approval of the preliminary plat for the Desert Sands Subdivision Unit 3, proposed to be divided into 122 residential lots ranging in size from 5,078 square feet to 13,338 square feet. The property is located at the southwest corner of E. 45th Street and S. Avenue 8E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
North	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
South	Agriculture (AG)	Undeveloped	Rural Density Residential
East	Agriculture (AG)	Undeveloped	Low Density Residential
West	Medium Density Single-Family Residential (R-2-5)	Undeveloped	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. O97-81 (January 2, 1998); General Plan Amendment: Res. R2004-89 (December 13, 2014; Suburban Density Residential to Low Density Residential/Commercial); Rezone: Ordinance 2019-014 (March 6, 2019 – AG to R-1-5);

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Desert Sands Subdivision Unit 3, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-33735-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Desert Sands Subdivision Unit 3, which includes 122 lots ranging in size from 5,078 square feet to 13,338 square feet for the property located at the southwest corner of E. 45th Street and S. Avenue 8 E, subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The subject property was annexed into the City of Yuma on January 2, 1998 and rezoned to the Low Density Single-Family Residential (R-1-5) District in 2019. The subject property is currently undeveloped and is intended to be the third phase of the Desert Sands Subdivision.

The subject property consists of approximately 24.2599 acres. This subdivision will be developed with frontage along Avenue 8 E, and 44th Street. The applicant is proposing to develop the area with 122 single-family homes. The applicant is proposing lot sizes to range from 5,078 square feet to 13,338 square feet. As discussed in further detail in §154-05.05, the following are some of the main development standards required of development within the Low Density Single-Family Residential (R-1-5) District:

1. The maximum density in the Low Density Single-Family Residential (R-1-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be 35% of the lot area;
3. A minimum front yard setback of twenty feet;
4. The minimum side yard setbacks shall be five feet on one side; and nine feet on the other side;
5. A minimum rear yard setback of ten feet;
6. A minimum street side yard setback of ten feet;
7. The side and rear yards shall have six foot solid block walls on the property lines; and
8. Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system. With this development Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID will need to be established prior to the issuance of any residential building permits.

1. Does the subdivision comply with the zoning code and the zoning district development standards?

Yes.

2. Does the subdivision comply with the subdivision code requirements?

Standard	Subdivision						Conforms						
Lot Size	Minimum:		5,078 sq ft			Maximum:		13,338 sq ft		Yes	X	No	
Lot Depth	Minimum:		102 ft			Maximum:		139.18 ft		Yes	X	No	
Lot Width/Frontage	Minimum:		50 ft			Maximum:		60 ft		Yes	X	No	
Setbacks	Front:	20'	Rear:	10'	Side:	5' on one side 9' on the other			Yes	X	No		
District Size	24.25		Acres						Yes	X	No		
Density	5.0		Dwelling units per acre						Yes	X	No		
Issues: None													

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes		No		N/A	X
Cul-de-sacs	Yes		No		N/A	X
Half Streets	Yes		No		N/A	X
Stub Streets	Yes	X	No		N/A	
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	

Issues: None

Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes		No		N/A	X
Business or Industrial	Yes		No		N/A	X

Issues: None

Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes		No		N/A	X
Double Frontage	Yes		No		N/A	X
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	

Issues: None

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Land Use Element:												
Land Use Designation:			Low Density Residential									
Issues:			None									
Historic District:		Brinley Avenue			Century Heights			Main Street			None	X
Historic Buildings on Site:		Yes		No	X							

Transportation Element:														
FACILITY PLANS														
TRANSPORTATION MASTER PLAN			Planned		Existing		Gateway		Scenic		Hazard		Truck	
Avenue 7 ½E			40 FT H/W ROW		50 FT H/W ROW									
40 th Street			40 FT H/W ROW		50 FT H/W ROW									
Bicycle Facilities Master Plan			E 32 nd Street: Existing Bike Path											
YCAT Transit System			N/A											
Issues:			None											
Parks, Recreation and Open Space Element:														
Parks and Recreation Facility Plan														
Neighborhood Park:		Existing: Saguaro Park					Future: Saguaro Park							
Community Park:		Existing: None					Future: None							
Linear Park:		Existing: None					Future: A Canal Linear Park							
Issues:		Minimal access to nearby facilities.												
Housing Element:														
Special Need Household:		N/A												
Issues:		None												
Redevelopment Element:														
Planned Redevelopment Area:		N/A												
Adopted Redevelopment Plan:		North End:				Carver Park:				None:		X		
Conforms:		Yes		X		No								
Conservation, Energy & Environmental Element:														
Impact on Air or Water Resources		Yes				No		X						
Renewable Energy Source		Yes				No		X						
Issues:		None												
Public Services Element:														
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person			Dwellings & Type		Projected Population		Police Impact		Water Consumption		Wastewater Generation			
			<i>Single Family</i>											
			Proposed	Per Unit			Officers		GPD	AF	GPD			
			122	2.8	342		0.64		102,480	114.8	34,160			
Fire Facilities Plan:		Existing: Fire Station No. 5					Future: Fire Station No. 7							
Water Facility Plan:		Source:		City	X	Private		Connection		20" PVC @ E 45 nd Street				
Sewer Facility Plan:		Treatment:		City	X	Septic		Private		12" PVC @ E 45 th Street				
Issues:		Water and sewer lines will need to be extended to provide services for the future development.												
Safety Element:														
Flood Plain Designation:		Flood Zone X		Liquefaction Hazard Area:				Yes				No	X	
Issues:		None												
Growth Area Element:														
Growth Area:		Araby Rd & Interstate 8		Arizona Ave & 16 th St						Avenue B & 32 nd St.				
		North End		Pacific Ave & 8 th St		Estancia				None		X		
Issues:		None												

Public Comments Received:

None Received.

External Agency Comments:

See Attachment D.

Neighborhood Meeting Comments:

No Meeting Required.

Proposed conditions delivered to applicant on:

March 22, 2021.

Final staff report delivered to applicant on:

March 29, 2021.

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on:
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input checked="" type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-mailed applicant, awaiting reply.

Attachments

A	B	C	D	E
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Agency Notifications	Agency Comments	Aerial Photo

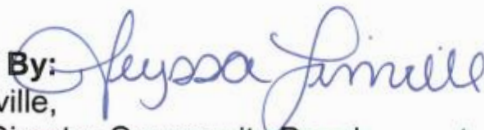
Prepared By:
Richard Munguia
Senior Planner

**Date:**

3/26/2021

Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Approved By:
Alyssa Linville,
Assistant Director Community Development

**Date:**

04/01/2021

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

City Attorney Comments: (928) 373-5058:

3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Agustin Cruz, Senior Civil Engineer (928) 373-5182:

6. The owner/developer and subsequent property owners shall not construct any gate or provide access locations crossing the 1 foot non-access easement (1' NAE) as listed in this subdivision plat.

Fire Department Comments: Kayla Franklin, Fire Marshal, (928) 373-4865:

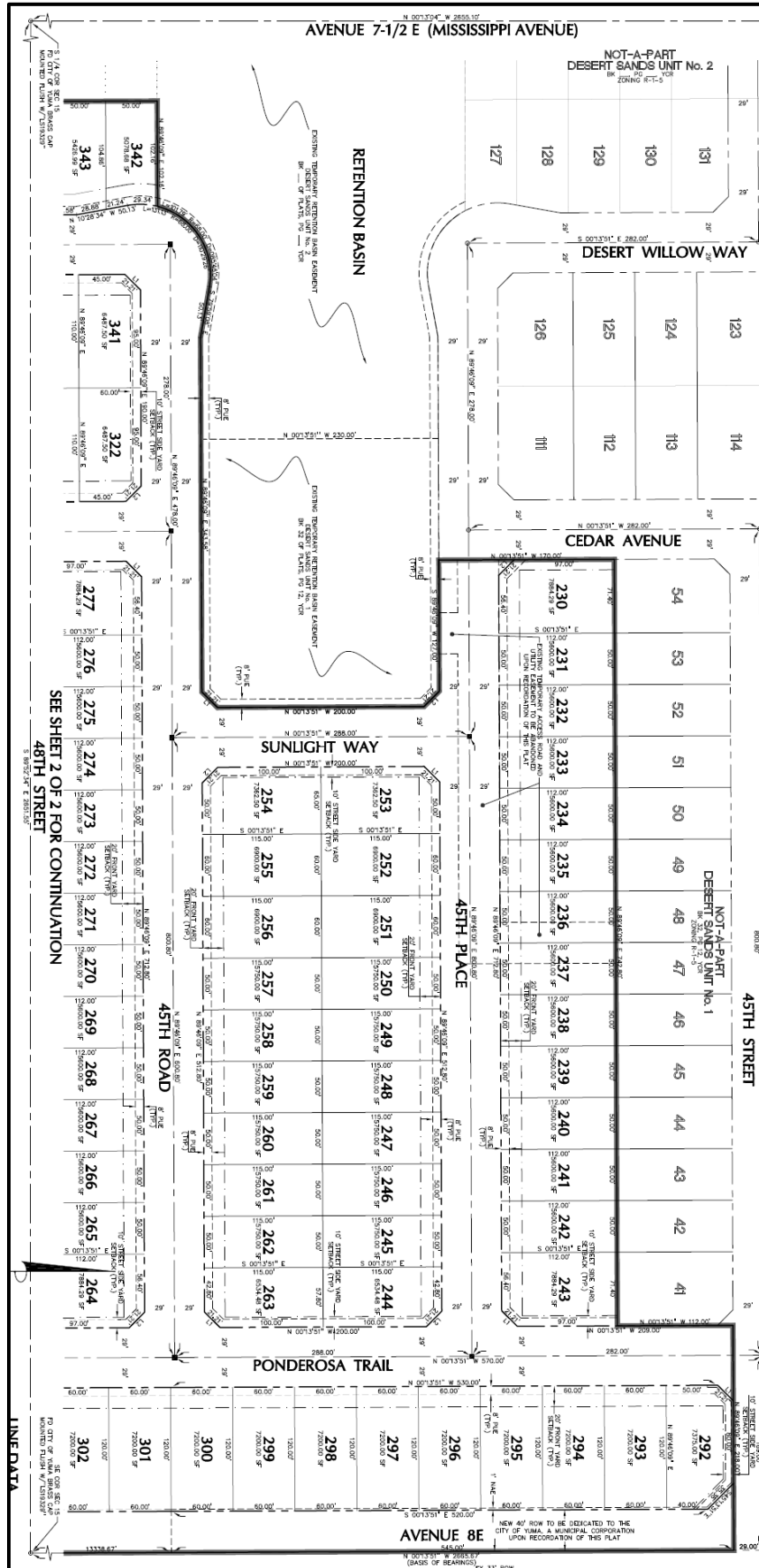
7. Please submit revised drawing connecting Desert Willow Way and Cedar Avenue.

Community Planning Conditions: Richard Munguia, Senior Planner, (928) 373-5000, x3070:

8. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B PRELIMINARY PLAT MAP



ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 03/19/2021
- 300' Vicinity Mailing: 02/22/2021
- 34 Commenting/Reviewing Agencies noticed: 02/25/2021
- Site Posted on: 04/05/2021
- Neighborhood Meeting: N/A
- Hearing Date: 04/12/2021
- Comments due: 03/08/2021

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	X	02/25/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	X	03/05/2021	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	X	02/24/2021	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	X	03/05/2021		X	
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	X	02/24/2021	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	X	02/25/2021		X	
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	02/24/2021		X	X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENTS

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: MCAS Yuma has reviewed the case for APN 197-15-011. The subject parcel is located approximately 0.98 miles from the Barry M. Goldwater Range West (BMGR-W) boundary. It is requested that an Avigation easement and Range Disclosure Statement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex/BMGR -W Range and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment.

DATE: 24 Feb 2021 NAME:  Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: please submit revised drawing connecting Desert Willow Way and Cedar Ave.

DATE: 2/25/21 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

☒ COMMENT

☐ NO COMMENT

Enter comments below:

See Submitted Letter

DATE: 3/16/21 NAME: Ian Latella TITLE: Habitat Specialist
AGENCY: AZGFD
PHONE: 928-580-0163
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

ATTACHMENT G
AERIAL PHOTO

